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**Introduced by Senator Figueroa**

February 19, 2004

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An act to amend Sections 1601.1, 1616.5, and 1742 of the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 1546, as introduced, Figueroa. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation of the practice of dentistry by the Dental Board of California, and authorizes the board to appoint a person exempt from civil service as an executive officer. Existing law also establishes the Committee on Dental Auxiliaries within the jurisdiction of the board. The provisions establishing the board, authorizing the board to appoint an executive officer, and establishing the committee are repealed as of January 1, 2006.

This bill would change these dates to unspecified dates.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1601.1 of the Business and Professions  
2 Code is amended to read:  
3 1601.1. (a) There shall be in the Department of Consumer  
4 Affairs the Dental Board of California in which the administration  
5 of this chapter is vested. The board shall consist of eight practicing  
6 dentists, one registered dental hygienist, one registered dental  
7 assistant, and four public members. Of the eight practicing  
8 dentists, one shall be a member of a faculty of any California dental

1 college and one shall be a dentist practicing in a nonprofit  
2 community clinic. The appointing powers, described in Section  
3 1603, may appoint to the board a person who was a member of the  
4 prior board. The board shall be organized into standing  
5 committees dealing with examinations, enforcement, and other  
6 subjects as the board deems appropriate.

7 (b) For purposes of this chapter, any reference in this chapter  
8 to the Board of Dental Examiners shall be deemed to refer to the  
9 Dental Board of California.

10 (c) The board shall have all authority previously vested in the  
11 existing board under this chapter. The board may enforce all  
12 disciplinary actions undertaken by the previous board.

13 ~~(d) This section shall become operative on January 1, 2002.~~

14 ~~(e) This section shall become inoperative on July 1, 2005 \_\_\_\_\_,~~  
15 ~~and, as of January 1, 2006 \_\_\_\_\_, is repealed, unless a later enacted~~  
16 ~~statute that is enacted before January 1, 2006 \_\_\_\_\_, deletes or~~  
17 ~~extends the dates on which it becomes inoperative and is repealed.~~  
18 The repeal of this section renders the board subject to the review  
19 required by Division 1.2 (commencing with Section 473).

20 SEC. 2. Section 1616.5 of the Business and Professions Code  
21 is amended to read:

22 1616.5. (a) The board, by and with the approval of the  
23 director, may appoint a person exempt from civil service who shall  
24 be designated as an executive officer and who shall exercise the  
25 powers and perform the duties delegated by the board and vested  
26 in him or her by this chapter.

27 ~~(b) This section shall become operative on January 1, 2002.~~

28 ~~(c) This section shall become inoperative on July 1, 2005 \_\_\_\_\_,~~  
29 ~~and, as of January 1, 2006 \_\_\_\_\_, is repealed, unless a later enacted~~  
30 ~~statute that is enacted before January 1, 2006 \_\_\_\_\_, deletes or~~  
31 ~~extends the dates on which it becomes inoperative and is repealed.~~

32 SEC. 3. Section 1742 of the Business and Professions Code  
33 is amended to read:

34 1742. (a) There is within the jurisdiction of the board a  
35 Committee on Dental Auxiliaries.

36 (b) The Committee on Dental Auxiliaries shall have the  
37 following areas of responsibility and duties:

38 (1) The committee shall have the following duties and  
39 authority related to education programs and curriculum:

1 (A) Shall evaluate all dental auxiliary programs applying for  
2 board approval in accordance with board rules governing the  
3 programs.

4 (B) May appoint board members to any evaluation committee.  
5 Board members so appointed shall not make a final decision on the  
6 issue of program or course approval.

7 (C) Shall report and make recommendations to the board as to  
8 whether a program or course qualifies for approval. The board  
9 retains the final authority to grant or deny approval to a program  
10 or course.

11 (D) Shall review and document any alleged deficiencies that  
12 might warrant board action to withdraw or revoke approval of a  
13 program or course, at the request of the board.

14 (E) May review and document any alleged deficiencies that  
15 might warrant board action to withdraw or revoke approval of a  
16 program or course, at its own initiation.

17 (2) The committee shall have the following duties and  
18 authority related to applications:

19 (A) Shall review and evaluate all applications for licensure in  
20 the various dental auxiliary categories to ascertain whether a  
21 candidate meets the appropriate licensing requirements specified  
22 by statute and board regulations.

23 (B) Shall maintain application records, cashier application  
24 fees, and perform any other ministerial tasks as are incidental to  
25 the application process.

26 (C) May delegate any or all of the functions in this paragraph  
27 to its staff.

28 (D) Shall issue auxiliary licenses in all cases, except where  
29 there is a question as to a licensing requirement. The board retains  
30 final authority to interpret any licensing requirement. If a question  
31 arises in the area of interpreting any licensing requirement, it shall  
32 be presented by the committee to the board for resolution.

33 (3) The committee shall have the following duties and  
34 authority regarding examinations:

35 (A) Shall advise the board as to the type of license examination  
36 it deems appropriate for the various dental auxiliary license  
37 categories.

38 (B) Shall, at the direction of the board, develop or cause to be  
39 developed, administer, or both, examinations in accordance with  
40 the board's instructions and periodically report to the board on the



1 progress of those examinations. The following shall apply to the  
2 examination procedure:

3 (i) The examination shall be submitted to the board for its  
4 approval prior to its initial administration.

5 (ii) Once an examination has been approved by the board, no  
6 further approval is required unless a major modification is made  
7 to the examination.

8 (iii) The committee shall report to the board on the results of  
9 each examination and shall, where appropriate, recommend pass  
10 points.

11 (iv) The board shall set pass points for all dental auxiliary  
12 licensing examinations.

13 (C) May appoint board members to any examination  
14 committee established pursuant to subparagraph (B).

15 (4) The committee shall periodically report and make  
16 recommendations to the board concerning the level of fees for  
17 dental auxiliaries and the need for any legislative fee increase.  
18 However, the board retains final authority to set all fees.

19 (5) The committee shall be responsible for all aspects of the  
20 license renewal process, which shall be accomplished in  
21 accordance with this chapter and board regulations. The  
22 committee may delegate any or all of its functions under this  
23 paragraph to its staff.

24 (6) The committee shall have no authority with respect to the  
25 approval of continuing education providers; the board retains all  
26 of this authority.

27 (7) The committee shall advise the board as to appropriate  
28 standards of conduct for auxiliaries, the proper ordering of  
29 enforcement priorities, and any other enforcement-related matters  
30 that the board may, in the future, delegate to the committee. The  
31 board shall retain all authority with respect to the enforcement  
32 actions, including, but not limited to, complaint resolution,  
33 investigation, and disciplinary action against auxiliaries.

34 (8) The committee shall have the following duties regarding  
35 regulations:

36 (A) To review and evaluate all suggestions or requests for  
37 regulatory changes related to dental auxiliaries.

38 (B) To report and make recommendations to the board, after  
39 consultation with departmental legal counsel and the board's  
40 executive officer.

1 (C) To include in any report regarding a proposed regulatory  
2 change, at a minimum, the specific language of the proposed  
3 changes and the reasons for and facts supporting the need for the  
4 change. The board has the final rulemaking authority.

5 (c) This section shall become inoperative on July 1, 2005 \_\_\_\_\_,  
6 and, as of January 1, 2006 \_\_\_\_\_, is repealed, unless a later enacted  
7 statute which becomes effective on or before January 1, 2006  
8 \_\_\_\_\_, deletes or extends the dates on which it becomes inoperative  
9 and is repealed. The repeal of this section renders the committee  
10 subject to the review required by Division 1.2 (commencing with  
11 Section 473).

